

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,	:	
	:	
PLAINTIFF,	:	Docket No.
	:	
VS.	:	
	:	
IMPRESSIVE KIDS, INC. and	:	
JEFFREY F. LUBITZ,	:	
	:	
DEFENDANTS.	:	April 1, 2019

COMPLAINT

NOW COMES the United States of America, by and through its undersigned attorneys, and alleges the following:

1. This is a civil action brought by the plaintiff, United States of America, on behalf of the United States Small Business Administration (“SBA”) to reduce to judgment a debt owed by the defendants to the SBA.

2. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1345.

3. The Defendant, Impressive Kids, Inc., is a corporation organized under the laws of the State of Connecticut, which conducts a business known as Sweet Impressions in Connecticut, and is within the jurisdiction of this Court.

4. The Defendant, Jeffrey F. Lubitz is owner and president of Impressive Kids, Inc., who resides in the State of Connecticut, and is within the jurisdiction of this Court.

5. On May 23, 2003, Impressive Kids, Inc. and Jeffrey F. Lubitz (the “Defendants”) executed a promissory note and unconditional guarantee loan agreement for \$120,000.00, plus interest. Pursuant to Section 7(a) of the Small Business Act, as amended, 15 U.S.C. § 636, the SBA guaranteed 85% of this loan. *See* Exhibit A, attached hereto and incorporated herein.

6. On September 23, 2013, the Defendants became delinquent on the obligation, with a balance due of \$83,417.65. As a result of this delinquency, the SBA paid on its guarantee, and became the holder of the Note. *See* Exhibit A at 1.

7. The Defendants are indebted to the United States in the principal amount of \$83,417.65, plus interest on this principal, computed at the rate of 5.57% per annum, in the amount of \$7,310.66 as of April 1, 2019, until the date of judgment. *See* Exhibit A at 2.

8. Demand has been made upon the Defendants by the United States for the sum due, but the amount due remains unpaid.

WHEREFORE, the United States demands judgment against the Defendants for the total of \$122,478.24, including administrative fees, plus costs, plus interest at 5.57 % per annum on the principal of \$83,417.65 that has accrued from April 1, 2019, to the date of judgment.

The United States further demands, pursuant to 28 U.S.C. Section 1961, that interest on any judgment be at the legal rate until the judgment is paid in full.

Respectfully submitted,

UNITED STATES OF AMERICA

JOHN H. DURHAM
UNITED STATES ATTORNEY

/s/

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U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227



ACTING ON BEHALF OF
U.S. SMALL BUSINESS ADMINISTRATION
CERTIFICATE OF INDEBTEDNESS

Impressive Kids, Inc. dba Sweet Impressions
15 Craigmoor Road
Ridgefield, CT 06877
EIN: [REDACTED]

Jeffrey F. Lubitz
15 Craigmoor Road
Ridgefield, CT 06877
SSN: [REDACTED]-3018

Agency Claim #: 1500269944

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Small Business Administration (SBA) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of records relating to the debt owed by Impressive Kids, Inc. dba Sweet Impressions and Jeffrey F. Lubitz (DEBTORS) to SBA.

On May 23, 2003, the DEBTORS executed a promissory note and unconditional guarantee loan agreement for \$120,000.00, with interest accruing at various rates with an initial rate of 6.75%, except as otherwise provided within the Promissory Note with Fairfield County Bank, successor by merger to Fairfield County Bank Corp. formally known as Ridgefield Bank (LENDER). Pursuant to Section 7(a) of the Small Business Act as amended, the SBA guarantees 85% of this loan.

From May 23, 2003 through October 30, 2009, the LENDER disbursed a total of \$198,025.90 of which the DEBTORS made payments totaling \$203,985.75. The payments were applied, \$115,108.25 to the principal and \$87,646.38 to the interest. The DEBTORS became delinquent on the obligation on 09/23/2013 with a balance due of \$83,417.65, due to the delinquency the SBA had to pay the guaranteed 85% and became holder of the Note.

SBA referred the claim to Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) to collect the delinquent debt on September 29, 2015. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from SBA.

On January 18, 2019, DMS referred the claim to DOJ for litigation and collection in the amount due of \$83,417.65 with daily interest of \$13.14. As of January 18, 2019, the DEBTOR is indebted to the United States in the amounts stated as follows:



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Principal:	\$ 83,417.65
Interest (@5.75%):	\$ 6,351.44
Admin Fees:	\$ 32,390.91
Total:	\$122,160.00

The information contained in this Certificate of Indebtedness is based on documents created by an employee or contractor of SBA based on his/her knowledge at or near the time the events were recorded, or by an employee or contractor of Treasury based on his/her knowledge at or near the time the events were recorded. Treasury's regular business practice is to receive, store and rely on the documents provided by SBA, when debts are referred to Treasury for collection activities, including litigation.

The balance stated in the case(s) listed above are current as of January 18, 2019, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by SBA and information contained in Treasury's records.

1/18/2019

X *Natalie R. Stubbs*

Signed by: Natalie R. Stubbs
Natalie Stubbs
Financial Program Specialist
U.S. Department of the Treasury
Bureau of the Fiscal Service